

JUNE 18, 2024 – AMENDED AGENDA

PROPOSED ADDITIONS – PRINTED AGENDA

APPROVAL OF THE REQUESTS BELOW INCLUDES A SUNSHINE WAIVER

MAYOR AND COUNCIL REQUESTS

CITY MANAGER’S REQUESTS

A.1.c 3.4 Adoption of the Annual Appropriation Ordinance and Annual Funding Sources Resolution for the Fiscal Year 2024-2025 Budget, and Resolution Establishing the Fiscal Year 2024-2025 Appropriation Limit. - TO BE HEARD IMMEDIATELY BEFORE CONSENT

Recommendation:

- (a) Adopt the Annual Appropriation Ordinance, including transfers and loans for Fiscal Year 2024-2025 and the Manager’s Final Budget Addendum.
- (b) Adopt the Annual Funding Sources Resolution for Fiscal Year 2024-2025 and the Manager’s Final Budget Addendum.
- (c) Adopt a resolution taking the following actions with respect to the City’s 2024-2025 “Gann Limit”:
 - (1) Elect the per capita income index as the inflation factor for 2024-2025 on a provisional basis, with the option to adjust the Limit, if necessary, once the non-residential assessment data is available from the County Assessor;
 - (2) Elect the County of Santa Clara population growth index as the population factor for 2024-2025; and
 - (3) Establish the Fiscal Year 2024-2025 Appropriation Limit at \$1,515,887,987 in compliance with Article XIIB of the State of California Constitution.
- (d) Adopt a resolution modifying City Council Policy 1-18, Section 20, Office of the Mayor and City Council District Office Budgets in Transition Years, to allow for the estimated payout amount of leave balances of Mayor and City Council staff to be rebudgeted into the first half of the fiscal year.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (City Manager)

TO BE HEARD IMMEDIATELY BEFORE CONSENT

CITY ATTORNEY'S REQUESTS

A.1.a 3.x Settlement of *Rubalcava v. City of San José, et al.*

Recommendation:

Approve the settlement in the case of *Rubalcava v. City of San José, et al.* in the total amount of \$12,000,000.00 and authorize the City Attorney to execute a settlement agreement.

CEQA: Not a Project; File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

A.1.c. i. Requires a resolution to be posted.

2.14 Report on Request for Proposal and Actions Related to the Purchase Order for a Youth Services Data Management Solution.

Recommendation:

Adopt a resolution authorizing the City Manager or her designee to:

- (a) Negotiate and execute an agreement and purchase order with Hasler Enterprise Solutions, LLC (Irvine, CA) for a Youth Services Data Management Solution for the City's Parks, Recreation and Neighborhood Services Department, with an initial three-year term beginning on or about July 1, 2024, and ending on or about June 30, 2027, or as may be adjusted to align with the software renewal term, with a maximum compensation not to exceed \$529,372;
- (b) Approve a contingency of \$52,937 for unanticipated and related services, subject to the appropriation of funds; and
- (c) Exercise up to four one-year options to extend the term of the agreement for a possible maximum term of seven years, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no changes to the physical environment. (Finance)

A.1.c. ii. Add additional parts to the following item (see redline – adding e) and f)

8.2 Downtown Residential High-Rise Incentive Program Extension.

Recommendation:

(a) Adopt a resolution authorizing an extension of the Downtown Residential High-Rise Program applicable to projects located in the Downtown Planned Growth Area as described in the Envision San José 2040 General Plan, that are ten or more floors or stories in height (not including any nonresidential uses) where the highest occupied floor has a floor level elevation that is at least 150 feet above street level, and reducing the in lieu fees due for those projects under the Inclusionary Housing Ordinance to the amount of \$0 for up to 4,078 units that obtain a building permit by December 31, 2026 and pass first inspection within 12 months of obtaining a building permit.

(b) Approve an ordinance waiving the Building and Structure Construction Tax and the Commercial-Residential-Mobile home Park Building Tax for up to 1,000 units in qualified residential high-rise projects located within the Downtown Planned Growth Area that obtain a building permit by December 31, 2025 and pass first inspection within 12 months of obtain a building permit and providing a 50% reduction of the Building and Structure Construction Tax and the Commercial-Residential-Mobile home Park Building Tax for up to 3,078 units in qualified residential high-rise projects that obtain a building permit between January 1, 2026 and December 31, 2026 and pass first inspection within 12 months of obtaining a building permit.

(c) Adopt a resolution providing a 50% reduction in the Parkland In-Lieu Fee for up to 1,000 units in qualified residential high-rise projects located within the Downtown Planned Growth Area that obtain building permits by December 31, 2025 and pass first inspection within 12 months of obtaining a building permit and providing a 30% reduction in the Parkland In-Lieu Fee for up to 3,078 units in qualified residential high-rise projects that obtain building permits between January 1, 2026 and December 31, 2026.

(d) Direct staff to analyze options and study potential impacts of a temporary multifamily residential fee reduction program to support housing production outside of Downtown and return to City Council by December 2024 with the analysis and recommendations for Council consideration, including public financing mechanisms for public infrastructure.

(e) Adopt a resolution amending the 2024-2025 Schedule of Fees and Charges (Resolution No. 72737, as amended) to revise the Rental Inclusionary In-Lieu Fee for Qualifying Downtown High-Rise Rental Developments, pursuant to Resolution No. 80766 as amended by the resolution proposed under part (a) of the staff memorandum.

(f) Approve an uncodified ordinance amending the 2024-2025 Schedule of Fees and Charges to revise the Rental Inclusionary In-Lieu Fee for Qualifying Downtown High-Rise Rental Developments, as specified in the resolution.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment. Council District 3. (Economic Development and Cultural Affairs/ Parks, Recreation, and Neighborhood Services/Planning, Building, and Code Enforcement/Housing/Transportation)

[Deferred from 6/11/2024 – Item 8.1 (24-120632)]

CITY CLERK'S REQUESTS

A.1.a 2.x Boards and Commissions Appointment

Recommendation:

Approve the following Boards and Commissions appointments:

(a) Airport Commission:

(1) District 5 Seat: Appoint Magnolia Segol for a term ending June 30, 2025.

(b) Arts Commission:

(1) District 3 Seat: Appoint Analyn Bones for a term of July 1, 2024 to June 30, 2028.

(2) District 5 Seat: Appoint Jonathan Borca for a term of July 1, 2024 to June 30, 2028.

(3) District 7 Seat: Appoint Ernesto Martinez for a term of July 1, 2024 to June 30, 2028.

(4) District 9 Seat: Appoint Karen Adamski for a term of July 1, 2024 to June 30, 2028.

(5) Citywide Seat: Appoint Janett Peace for a term of July 1, 2024 to June 30, 2028.

(c) Climate Advisory Commission:

(1) Community Representative Seat: Appoint Ryan Lodico for a term ending December 31, 2027.

(d) Housing and Community Development Commission:

(1) Lived Experience (Alternate) Seat: Appoint Gabriela Gabrian for a term ending June 30, 2026.

(e) Library and Education Commission:

(1) District 9 Seat: Appoint Gerard Roney for a term ending June 30, 2025.

(2) Early Childcare Seat 4: Appoint Westley Baker for a term ending June 30, 2026.

(f) Measure T Community Oversight Committee:

(1) District 5 Seat: Appoint Enrique Arguello for a term beginning on the date of appointment.

(2) District 10 Seat: Appoint Emily Esparza for a term beginning on the date of appointment.

(g) Planning Commission:

(1) District 2 Seat: Appoint Carlos Rosario for a term of July 1, 2024 to June 30, 2028.

(2) District 3 Seat: Appoint Anthony Tordillos for a term of July 1, 2024 to June 30, 2028.

(3) District 8 Seat: Appoint Dilpreet Bhandal for a term of July 1, 2024 to June 30, 2028.

(4) Citywide Seat: Appoint Charles Cantrell for a term of July 1, 2024 to June 30, 2028.

(h) Senior Citizens Commission:

(1) District 9 Seat: Appoint Lori Rodrigues for a term ending June 30, 2025.

(2) Citywide Seat: Appoint Mary Anne Mendall for a term ending June 30, 2025.

(i) Youth Commission:

(1) District 3 Seat: Appoint Edwin Sanchez for a term ending May 31, 2025.

(2) District 7 Seat: Appoint Peter Vu for a term ending May 31, 2025.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk)